

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

LENA KNUTSON and SECOND  
AMENDMENT FOUNDATION,  
INC.,

Plaintiff,

vs.

CHUCK CURRY, in his official  
capacity as Sheriff of Flathead County,  
Montana, and TIM FOX, in his official  
capacity as Attorney General for the  
State of Montana,

Defendants.

CV 16–62–M–DWM

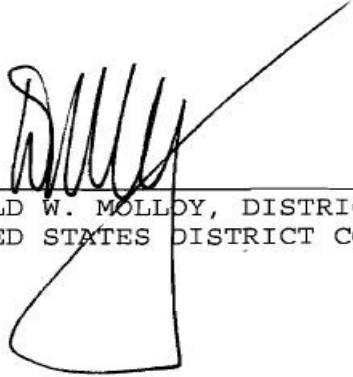
ORDER

Plaintiff and Defendants have moved jointly for an entry of preliminary injunction (Doc. 21) and to vacate litigation deadlines (Doc. 22).

Both motions are DENIED. The preliminary pretrial conference will proceed as scheduled, and will be conducted on the record. Whether a preliminary injunction is appropriate is a serious question. To clarify their positions, all parties should be prepared to discuss (1) Article II, § 12 of the Montana Constitution, (2) *Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016), and (3) the preliminary injunction standard articulated in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), as each informs Plaintiff's challenge to

Montana Code Annotated § 45-8-321(1).

DATED this 27<sup>th</sup> day of October, 2016.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT